

R E M A R K S

In a response dated April 5, 2004, Applicants elected Group X, directed to claims 1-9, 23-25, 32 and 38 insofar as they are directed to a GFP from *Aequorea victoria*, wherein the first amino acid preceding the chromophore is Leucine (L), and the chromophore is Threonine-Tyrosine-Glycine (T-Y-G). Applicants made this election with traverse. However, the Examiner has stated that Applicants must also elect a specific polypeptide selected from (a) protein kinase A, or the catalytic subunit thereof, (b) protein kinase C, or the catalytic subunit thereof, (c) Erk1, or (d) a cytoskeletal element.

Applicants respectfully traverse. The Examiner's original presentation of Group X indicated that it was related to the above GFP as described or a fusion compound, comprising the protein wherein the protein is linked to a polypeptide selected from the above group (a)-(d). By electing one of the above polypeptides, Applicants submit that the claims should not be restricted to a fusion compound only. Rather, a fusion compound is simply one embodiment of the elected GFP.

As discussed during a telephone conversation with the Examiner, Applicants believe that the request to select different polypeptides should be treated as an election of species. Within this election, the Examiner will be provided with a single polypeptide to which the elected GFP may be fused. The Examiner should expand his search to include all other

polypeptides with the intent of finding a generic fusion compound claim allowable. However, the Examiner is reminded that the fusion compound claim (claim 8) is simply one embodiment of the elected invention.


With the above traversal in mind, Applicants hereby elect (c) Erkl. However, Applicants strongly traverse this requirement and request that the Examiner, in addition to searching and considering the elected GFP, also give full search and consideration to the elected GFP linked to any polypeptide.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Craig A. McRobbie (Reg. No. 42,874) at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By  #42.874
Leonard R. Svensson, #30,330

LRS/CAM:bmp
3759-0106P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

(Rev. 02/12/2004)